

REMARKS / ARGUMENTS

The present application includes pending claims 1-30, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 11, and 21 were objected to because of informalities. Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent № 6,574,240, issued to Tzeng (hereinafter, Tzeng). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Information Disclosure Statement

The April 26, 2007 non-final Office Action states the following:

The information disclosure statement filed May 2, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because US 2002/124114 and US 2002/188718 do not contain the proper number of digits. The correct format is US ____/_____. It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

See the April 26, 2007 non-final Office Action at page 2. The Applicant points out that the May 2, 2005 IDS is now being re-submitted for Examiner's consideration, along with the required filing fee.

II. Claim Objections

The Final Office Action states the following:

Claims 1, 11, and 21 are objected to because of the following informalities: Claim limitations recite "receiving at least one packet ... at least two of which is coupled to a common bus". Examiner interpreted this as and suggests changing this to "receiving at least one packet ... at least two of which are coupled to a common bus" to be in compliance with the English language. Appropriate correction is required.

See the Final Office Action at page 4. The Applicant refers the Examiner to the July 23, 2007 response, where appropriate amendments were made to claims 1, 11, and 21 so that they all recite "at least two of which are coupled." The Applicant submits that the claim objections are now moot and should be withdrawn.

III. Response to Arguments

The Examiner states the following in the "Response to Arguments" section of the Final Office Action:

The interconnection of gigabit Ethernet links 16 clearly reads on claim limitations, common bus. The network stations are interpreted broadly as blade servers as they send a outgoing data packet per Cols 4 lines 22-30.

See the Final Office Action at page 2. The Applicant respectfully disagrees that the Ethernet links 16 read on the "common bus" limitation from Applicant's claim 1. The Examiner has equated the "blade server" limitation from Applicant's claim 1

with the network stations 14. Referring to Figure 1 of Tzeng, the Applicant points out that each of the network stations 14 are only coupled to the media access control (MAC) module 20 of each of the corresponding switches 12a, 12b, and 12c. In addition, the switches 12a, 12b, and 12c are not coupled via a common bus. In this regard, each of the network stations 14 is only coupled to its corresponding switch, and none of the network stations 14 are coupled to a common bus.

Furthermore, the Applicant points out that the Final Office Action has not responded to Applicant's argument stated in pages 17-18 of the July 23, 2007 response, relating to the following limitation appearing in Applicant's claim 1: "determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet." For the Examiner's convenience, the Applicant has re-stated this argument herein below.

REJECTION UNDER 35 U.S.C. § 102

III. Tzeng Does Not Anticipate Claims 1-30

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Tzeng. With regard to the anticipation rejections under 102(e), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102 (e)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Tzeng does not disclose or suggest at least the limitation of “determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet,” as recited by the Applicant in independent claim 1.

The Final Office Action relies on col. 5, lines 46-59 of Tzeng, which states the following:

The layer 3 switch logic 44 switches a received data packet according to layer 3 protocols in response to the port filter's 20 determination of the presence of prescribed layer 3 information. Each incoming data packet with prescribed layer 3 information detected contains a source and destination Internet protocol ("IP") address. Each data packet also contains a source and destination media access control ("MAC") address. In response to a learn signal from the port filter 24, the layer 3 switch logic 44 stores the source IP address along with the source MAC address, forming an association in a memory in the layer 3 switch logic 44. Hence, the layer 3 switch logic 44 "learns" the IP-The method according to claim association of an incoming data packet when learning is enabled.

See the Final Office Action at page 5. **The above citation of Tzeng discloses how switching of data packets is performed by the switch logic 44 and there is no determining of an identifier associated with another blade server, based on a portion of the received packet.** In addition, Tzeng also discloses that the incoming data packets contain source and destination MAC and IP addresses. As stated above, Tzeng does not disclose that the incoming data packets are received from one of a plurality of blade servers, as recited in claim 1. Furthermore, **Tzeng does not disclose or suggest determining of an identifier associated with at least a second blade server, based on the incoming (received) data packets, as recited in claim 1.** The Applicant maintains that Tzeng does not disclose or suggest at least the limitation of “determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Tzeng does not disclose or suggest at least the limitation of “receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which are coupled to a common bus,” as recited by the Applicant in independent claim 1.

The Final Office Action refers for support to Tzeng and states the following:

As per claims 1, 11, and 21 Tzeng discloses a method for

communicating information in a server, the method comprising: receiving at least one packet from a first blade server of a plurality of blade servers, at least a portion of which is coupled to a common bus; (Col 4 lines 22-30); determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet; and (Col 5 lines 46-59); routing at least a portion of said at least one received packet to at least said second blade server. (Col 6 lines 4-18).

See the Final Office Action at page 5. The Final Office Action relies on col. 4, lines 22-30 of Tzeng, which states the following:

FIG. 3 is a flow diagram illustrating an example of the type of layer 3 processing that might be performed for an incoming data packet. The flow diagram of FIG. 3, conventionally implemented in software, would involve checking whether the incoming data packet was a hypertext transport protocol (HTTP) packet in step 50, an SNMP packet in step 52, or a high-priority packet in step 54. The appropriate tag would then be assigned identifying the packet in steps 56, 57, 58, or 60.

With regard to the above citation of Tzeng (col. 4, lines 22-30), the Applicant points out that Figure 3 of Tzeng illustrates exemplary layer 3 processing for an incoming data packet. The Applicant is confused as to why the Office Action refers for support to col. 4, lines 22-30 since this citation of Tzeng does not disclose receiving of a data packet from a blade server. In fact, **Tzeng also does not disclose a plurality of blade servers, where at least two of the blade servers are coupled to a common bus.**

Therefore, the Applicant maintains that Tzeng does not disclose or suggest at least the limitation of "receiving at least one packet from a first blade server of a

plurality of blade servers, at least two of which are coupled to a common bus," as recited by the Applicant in independent claim 1. Accordingly, independent claim 1 is not anticipated by Tzeng and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 21-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Tzeng has been overcome and request that the rejection be withdrawn. Additionally, claims 2-10, 12-20 and 21-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-30.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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